

REMARKS

Claims 14-17, 19-24, and 38-40 are pending. Claims 1-13 and 25-37 have been cancelled without prejudice or disclaimer as to Applicants' right to pursue the subject matter in a continuing application. Claims 14-17, 19-24, and 38-40 have been amended. Reconsideration and allowance of the present application based on the following remarks are respectfully requested.

Double Patenting

Claims 14, 16, 17, 19, 21-23, and 38-40 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 1, 2, 4-21, 24-27, 29-47, and 51 of co-pending Application No. 08/961,408 in view of Parulski et al (U.S. Patent No. 5,828,406) and Whipple et al (U.S. Patent No. 5,926,215) and claims 15 and 24 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 1, 2, 4-21, 24-27, 29-47, and 51 of co-pending Application No. 08/961,408 in view of Terada et al (U.S. Patent No. 6,124,888), Parulski et al. (U.S. Patent No. 5,668,597), and Udagawa et al (U.S. Patent No. 5,880,781) Applicants will file a Terminal Disclaimer once the later of the two pending applications is in otherwise allowable condition.

Claim Objections

Claims 14-24 and 38 were objected to for various informalities. Applicants have amended these claims as suggested by the Examiner to correct these informalities. Accordingly, Applicants respectfully request reconsideration and withdrawal of this objection.

Claim Rejections Under 35 U.S.C. § 112

Claims 39 and 40 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to make or use the invention. Specifically, the Office Action indicated that claims 39 and 40 recite "eliminating every third line and summing every line pair to be read-out within the gamut of the imager" and that the elected species III of Figures 13-17 did not disclose such a feature. Applicants have amended claims 39 and 40 for clarity

to more clearly recite that every first and third line of three is summed. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

Claim Rejections Under 35 U.S.C. § 103

A. Claims 14, 16, 17, 19, 21-23, and 38 were rejected under 35 U.S.C. § 103(a) over Parulski et al. (U.S. Patent No. 5,828,406) in view of Whipple et al. (U.S. Patent No. 5,926,215). Applicants respectfully traverse this rejection.

Claim 14 and 38 each recite, in part, an electronic imaging system which includes a control means for selectively controlling a mode for sequential scan reading out pixel signals concerning the whole pixels of the solid-state image sensor for still picture recording, and a mode for reading out pixel signal sums by utilizing a plurality of vertical registers each of n lines among m lines in k continuous lines of the solid-state image sensor with L ($L > k$) horizontal lines for the still picture recording or dynamic image processing. In contrast Parulski teaches eliminating two or more consecutive lines from the image sensor for every one or more lines which is transferred from the entire image sensor (column 6, lines 30-40). As admitted in the Office Action Parulski does not teach or suggest summing by using a plurality of vertical registers. Additionally, Parulski does not teach or suggest summing each of n lines among m lines in k continuous lines where k continuous lines is less than the total number of lines in the image, as recited in claims 14 and 38 and Whipple does not remedy these deficiencies. Whipple merely teaches that every third row of pixels are flushed from the vertical CCD registers (column 3, lines 10-15). Whipple does not teach or suggest summing each of n lines among m lines in k continuous lines where k continuous lines is less than the total number of lines in the image as recited in claims 14 and 38. Accordingly, no combination of Parulski and Whipple teach or suggest an electronic imaging system which includes a control means for selectively controlling a mode for sequential scan reading out pixel signals concerning the whole pixels of the solid-state image sensor for still picture recording, and a mode for reading out pixel signal sums by utilizing a plurality of vertical registers each of n lines among m lines in k continuous lines of the solid-state image sensor with L ($L > k$) horizontal lines for the still picture recording or dynamic image processing, as recited in claims 14 and 38.

Claims 16, 17, 19, and 21-23 are believed allowable for at least the reasons presented above with respect to claim 14 by virtue of their dependence upon claim 14. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

B. Claims 15 and 24 were rejected under 35 U.S.C. § 103(a) over Terada et al. (U.S. Patent No. 6,124,888) in view of Parulski et al. (U.S. Patent No. 5,668,597) and Udagawa et al. (U.S. Patent No. 5,880,781). Applicants respectfully traverse this rejection at least because the Terada reference is not valid prior art under 35 U.S.C. § 103(c).

The Terada reference is not valid prior art under 35 U.S.C. § 103(c) since it only qualifies as prior art under 35 U.S.C. § 102(e) and was commonly owned at the time the present invention was made. To fulfill the evidence requirement of MPEP 706.02(1)(2), Applicants submits that:

The present Application and U.S. Patent No. 6,124,888 (to Terada) were, at the time the present invention was made, owned by Olympus Optical Co. Ltd.

Accordingly, Applicants request that this rejection be withdrawn.

Conclusion

In view of the foregoing, the claims are believed to be in form for allowance, and such action is hereby solicited. If any point remains in issue which the Examiner feels may be best resolved through a personal or telephone interview, please contact the undersigned at the telephone number listed below.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

Pillsbury Winthrop LLP

By: _____

Glenn J. Perry

Reg. No.: 28,458

Tel. No.: (703) 905-2161

Fax No.: (703) 905-2500

GJP\VVK
1600 Tysons Boulevard
McLean, VA 22102

(703) 905-2000